

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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**DEBORAH L. DAVIES and  
KAREN GAHTHAM,**

**Plaintiffs,**

**No. 1:09-cv-559  
(GLS/DRH)**

**v.**

**ULSTER COUNTY DEPARTMENT  
OF SOCIAL SERVICES,**

**Defendant.**

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**APPEARANCES:**

**OF COUNSEL:**

**FOR THE PLAINTIFFS:**

Deborah L. Davies  
Pro Se  
260 Clinton Avenue  
Kingston, NY 12401

Karen Gahtham  
Pro Se  
260 Clinton Avenue  
Kingston, NY 12401

**FOR DEFENDANTS:**

Maynard, O'Connor Law Firm  
Route 9W  
P.O. Box 180  
Saugerties, NY 12477

MICHAEL E. CATALINOTTO, JR.,  
ESQ.

**Gary L. Sharpe  
District Court Judge**

## **MEMORANDUM-DECISION AND ORDER**

### **I. Introduction**

The above-captioned matter comes to this court following a Report-Recommendation and Order (R&R) by Magistrate Judge David R. Homer, filed June 24, 2009. (Dkt. No. 16.) The R&R<sup>1</sup> recommended that the action be remanded to Ulster County Family Court and terminated in this court. Pending are Davies and Gahtham's objections to the R&R. (Dkt. No. 19.) For the reasons that follow, the R&R is adopted in its entirety.

### **II. Background**

Familiarity with the facts underlying Judge Homer's R&R are presumed and will not be repeated here. For a recitation of those facts, the parties are referred to the R&R. (Dkt. No. 16.)

### **III. Discussion**

Before entering final judgment, this court routinely reviews all report-recommendations in cases it has referred to a magistrate judge. If a party has objected to specific elements of the magistrate judge's findings and recommendations, this court reviews those findings and recommendations

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<sup>1</sup> The Clerk is directed to append the R&R to this decision, and familiarity therewith is presumed.

de novo. *See Almonte v. N.Y. State Div. of Parole*, No. 04-cv-484, 2006 WL 149049, at \*6-7 (N.D.N.Y. Jan. 18, 2006). In cases where no party has filed an objection, or only a vague or general objection has been filed, this court reviews the magistrate judge's findings and recommendations for clear error. *See id.*

Because Davies and Gahtham object only generally to the R&R, the court will review the R&R for clear error. Upon review for clear error, the court finds no error and, for the reasons articulated in the R&R and defendant's response, (see Dkt. No. 21.), the R&R is adopted in its entirety.

**WHEREFORE**, for the foregoing reasons, it is hereby

**ORDERED** that Magistrate Judge Homer's June 24, 2009 Report-Recommendation and Order is adopted in its entirety; and it is further

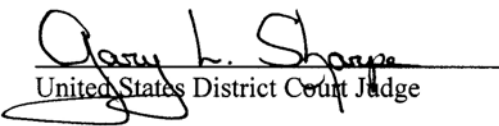
**ORDERED** that the action be remanded to the Ulster County Family Court; and it is further

**ORDERED** that the Clerk close this case; and it is further

**ORDERED** that the Clerk provide copies of this Memorandum-Decision and Order to the parties.

**IT IS SO ORDERED.**

Albany, New York  
November 24, 2009

  
United States District Court Judge